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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/080,411

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Tsuyoshi Andoh

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8251

21171

7590

03/06/2006

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EXAMINER

SNIEZEK, ANDREW L

ART UNIT

PAPER NUMBER

2651

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,411

Applicant(s)

ANDOH, TSUYOSHI

Examiner

Andrew L. Sniezek

Art Unit

2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/16/05 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 10-14, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al. ('944) in view of Nakamura et al. (JP 07141837) and Kondo et al. (2005/0037187).

Claim 1 is directed to a record and playback apparatus, which codes information. The apparatus stores information in a management area of the medium. This management information includes time information that indicates the time the coded data is recorded, index information and a backward pointer. Takahashi et al. teaches an apparatus (figure 1) that codes information. The management information includes time information that indicates when the data is recorded (page 3, paragraph [0074]. The

index information is shown in figure 4. Takahashi does not appear to teach backward pointers as set forth in claims 1 and 4, only forward pointers. It is well known in the recording/playback art to use backward pointers that are stored in a management area as taught by Nakamura et al. to enable reading data in a reverse direction in a smooth manner (see constitution). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement as taught by Takahashi et al. to include reverse pointers as taught by Nakamura et al. so that a reverse playback can be performed smoothly. Claim one has been amended to recite that the recorded information is in a variable bit rate format. Although not taught by Takahashi et al. or Nakamura et al., it is well known in the art to use a variable bit rate as an alternative to a fixed bit rate (Kondo et al., paragraph [0106]. It would have been obvious to one of ordinary skill in the art to modify the arrangement of Takahashi and Nakamura et al. as applied so that the data can be recorded in either a fixed bit rate or a variable bit rate as taught by Kondo et al. depending upon the users preference and the type of data that is being recorded. Claim 2 is satisfied by paragraph [0077]. The limitations of claim 3 are satisfied by paragraphs [0077 and 0078] which indicates that the FAT is distinct from the file system control information. The limitations of claim 5 directed to tags are satisfied by the sector numbers (FAT ID) that are used in conjunction with the recording time information (figure 4). Claims 10-14 although written using method terminology set forth substantially the same limitations as discussed above with respect to claims 1-5 and are deemed satisfied by the operation of the apparatus as taught by Takahashi et al., Nakamura et al. and Kondo et al. as applied. Claim 19 written using discrete steps,

sets forth substantially that as set forth in claim 1 and is therefor rejected for similar reasons. The feature of claim 20 directed to a sequence in which the information is recorded, although not specifically taught by the combination of references of Takahashi et al. and Nakamura et al. is deemed to amount to an obvious design variation of the locations in which the corresponding information is recoded as discussed with respect to the applied references since the location of such information does not change the purpose of the information. It would have been obvious to one of ordinary skill in the art at the time of the invention to vary the location of the stored information to a sequence as set forth, since at this sequence the information could be read for performing operations related to the obtained information.

3. Claims 6-7 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al., Nakamura et al. and Kondo et al. as applied to claims 1-5, 10-14 and 19-20 above, and further in view of Moon et al.

The teachings of Takahashi et al., Nakamura et al. and Kondo et al. are discussed above and incorporated herein. Claims 6 and 15 set forth that a time is input by the user which is compared with time information for the location of information. Claims 7 and 16 set forth that a time interval is inputted by a user which is compared with time information for the location of information. Although Takahashi et al. does not describe details of the manner in which playback is initiated, it is well known in the art to use information inputted by the user which is compared with time information to locate the desired information. See column 9, lines 56-64 and column 10, lines 31-40 of Moon et al. which discusses inputs by the user that indicates which program or part of

program (interval) is desired to be played back. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the arrangement of Takahashi et al., Nakamura et al. and Kondo et al. as applied by applying a user input feature as taught by Moon et al. so that desired programs or portions thereof could be selectively played back.

4. Claims 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al., Nakamura et al., Kondo et al. as applied to claims 1-5, 10-14 and 19-20 above, and further in view of Kikuchi et al.,

The teachings of Takahashi et al., Nakamura et al. and Kondo et al. have been discussed above and are incorporated herein. Claims 8 and 17 additionally set forth that an index is inputted by a user to locate desired information. Although not taught by Takahashi et al. or Nakamura et al., such is well known as taught by Kikuchi et al., column 56 user inputted "title", which is deemed one form of index information. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature in the arrangement of Takahashi et al., Nakamura et al. and Kondo et al. as applied so that any desired recording can be accessed in a timely manner.

5. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al., Nakamura et al. and Kondo et al. as applied to claims 1-5, 10-14 and 19-20 above, and further in view of Mehta.

The teachings of Takahashi et al., Nakamura et al. and Kondo et al. have been discussed above and are incorporated herein. Claims 9 and 18 additionally set forth

that the user can input a backward pointer for locating recorded files of information. Although not specifically taught by Takahashi et al., Nakamura et al., and Kondo et al. such feature is taught by Mehta (column 18) for locating data in doubly linked list of data structures. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate such a feature (Mehta et al.) in the arrangement of Takahashi et al., Nakamura et al. and Kondo et al. as applied so that all linked information of a given structure can be accessed.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

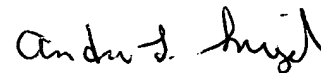
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tagawa et al. (2005/0083794) is cited showing to use a variable bit rate when MPEG is being recorded reproduced.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew L. Snizek whose telephone number is 571-272-7563. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Andrew L. Sniezek
Primary Examiner
Art Unit 2651

A.L.S.
3/1/06